

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 50206	DATE	7/13/2001
CASE TITLE	U.S.A. vs. Guillermo Maya-Dominguez		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] For the reasons stated on the reverse Memorandum Opinion and Order, Guillermo Maya-Dominguez's motion under 28 U.S.C. § 2255 is summarily dismissed.

- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input checked="" type="checkbox"/> Mail AO 450 form. <input checked="" type="checkbox"/> Copy to judge/magistrate judge.		U.S. DISTRICT COURT CLERK 2001 JUL 13 PM 4:02 01-05-01	number of notices JUL 16 2001 date docketed docketing deputy initials 7-13-01 date mailed notice mailing deputy initials	Document Number 3
/SEC courtroom deputy's initials	date/time received in Central Clerk's Office			

MEMORANDUM OPINION AND ORDER

On June 27, 2001, Guillermo Maya-Dominguez, a federal prisoner serving a sentence of imprisonment for a controlled substance conviction has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. He states a supporting brief will follow within 10 days, although it has not been forthcoming. Nevertheless, the motion must be summarily dismissed as untimely since it has not been filed within the one-year period of limitation in section 2255. Following his plea of guilty, Maya-Dominguez was sentenced on October 20, 1999 and took no direct appeal (it was waived in his plea agreement). This motion is more than one year from the date his conviction became final and none of the other subsections of section 2255 pertinent to the limitations period apply to extend the time any longer. While the motion appears to be based on the recent opinion in Apprendi v. New Jersey, 530 U.S. 466 (2000), that case is not retroactive to cases on collateral review. See Talbot v. Indiana, 226 F.3d 866 (7th Cir. 2000). Motion is summarily dismissed.

United States District Court
Northern District of Illinois
Western Division

DOCKETED

JUL 16 2001

United States of America

JUDGMENT IN A CIVIL CASE

v.

Case Number: 01 C 50206

Guillermo Maya-Dominguez

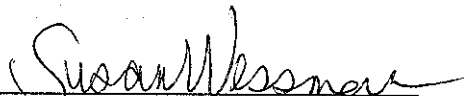
- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that Guillermo Maya-Dominguez's motion under 28 U.S.C. § 2255 is summarily dismissed.

FILED-WD
2001 JUL 13 PM 4:02
CLERK
U.S. DISTRICT COURT

Michael W. Dobbins, Clerk of Court

Date: 7/13/2001


Susan Wessman, Deputy Clerk